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ASHLEY JOHNSON

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ASHLEY JOHNSON

Plaintiff,

vs.

COUNTY OF EL DORADO and DOES 1
through 20, inclusive,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure—
Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—
Excessive Force (42 U.S.C. § 1983)
3. Unreasonable Search and Seizure—
Denial of Medical Care (42 U.S.C. §
1983)
4. Municipal Liability for Unconstitutional
Custom, Practice, or Policy (42 U.S.C. §
1983)
5. Municipal Liability— Failure to Train
(42 U.S.C. § 1983)
6. False Arrest/False Imprisonment
7. Battery
8. Assault
9. Negligence
10. Intentional Infliction of Emotional Distress
11. Violation of Civil Code Section 52.1
(Gender Violence)
12. Violation of Bane Act (Cal. Civil Code §
52.1)
13. Violation of Unruh Act
14. Violation of Ralph Act

DEMAND FOR JURY TRIAL

PARTIES AND JURISDICTION

1
2 1. Jurisdiction is vested in this court under 28 U.S.C. § 1343(a)(3)(4) for violations
3 of the 1871 Civil Rights Enforcement Act, as amended, including 42 U.S.C. § 1983 and 1985
4 and §§ 1331 and 1367(a). Jurisdiction is also vested in this court under the ancillary jurisdiction
5 of the court.

6 2. Venue is proper in the Eastern District of California and the County of
7 El Dorado under 42 U.S.C. § 1402(b) because the incidents alleged herein occurred in this
8 District.

9 3. At all relevant times mentioned here, Plaintiff Ashley Johnson. (“Johnson” or
10 “Plaintiff”) was a resident of El Dorado County, California.

11 4. At all relevant times mentioned here, Defendant County of El Dorado (“County”
12 or “Defendant”) is and was a duly organized public entity, form unknown, existing under the
13 laws of the State of California. At all relevant times, County was the employer of Does 1-10
14 (“Doe Deputies”), who were Sheriff Deputies with the El Dorado County Sheriff Department
15 and Does 11-20 (“Supervisory Does”), who were managerial, supervisory, and policymaking
16 employees of the El Dorado County Sheriff Department. On information and belief, at all
17 relevant times, Doe Deputies and Supervisory Does were employed within the County of El
18 Dorado, California. Doe Deputies and Supervisory Does are sued individually and in their
19 official capacities as deputies, sergeants, captains, commanders, supervisors, and/or civilian
20 employees, agents, policy makers, and representatives for the El Dorado County Sheriff
21 Department.

22 5. At all relevant times mentioned here, Doe Deputies were duly authorized
23 employees and agents of County, who were acting under color of law within the course and
24 scope of their respective duties as Sheriff Deputies and with the complete authority and
25 ratification of their principal, Defendant El Dorado County.

26 6. At all relevant times, Supervisory Does were duly appointed Deputies and/or
27 employees or agents of County, subject to oversight and supervision by El Dorado County's
28 elected and non-elected officials who were acting under color of law within the course and

1 scope of their duties as managerial, supervisory, and policymaking employees for the El
2 Dorado County Sheriff Department.

3 7. In doing the acts and failing and omitting to act as hereinafter described, Doe
4 Deputies were acting on the implied and actual permission and consent of County.

5 8. At all times mentioned herein, each and every County defendant was the agent of
6 each and every other County defendant and had the legal duty to oversee and supervise the
7 hiring, conduct and employment of each and every County defendant.

8 9. The true names of Doe Deputies and Supervisory Does, inclusive, are unknown to
9 Plaintiff, who therefore sue these defendants by such fictitious names. Plaintiff will seek leave
10 to amend this complaint to show the true names and capacities of these defendants when they
11 have been ascertained. Each of the fictitious named defendants is responsible in some manner
12 for the conduct and liabilities alleged herein.

13 10. Throughout the complaint, Defendants County, Doe Deputies, and Supervisory
14 Does are referred to collectively as “Defendants”.

15 11. Plaintiff suffered injuries as a direct and proximate result of the actions of Doe
16 Deputies. Doe Deputies are directly liable for Plaintiff’s injuries and damages under federal law
17 pursuant to 42 U.S.C. § 1983.

18 12. Defendants County and Supervisory Does are liable for Plaintiff’s injuries under
19 California law and under the doctrine of *respondeat superior*. Liability under California law for
20 public entities and public employees is based upon California Government Code §§ 815.2, 820,
21 and 820.8.

22 **ADMINISTRATIVE EXHAUSTION**

23 13. Before filing the instant action, Plaintiff exhausted her administrative remedies.
24 On or about March 19, 2021, Plaintiff filed a government claim with the County of El Dorado.
25 Plaintiff never received a notice of rejection.

26 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

27 14. Plaintiff repeats and realleges each and every allegation in this Complaint with
28 the same force and effect as if fully set forth herein.

1 15. On the early morning of October 4, 2020, Ashley Johnson's friend, Camilla
2 Velasquez was visiting her.

3 16. During the visit Ms. Velasquez became violent towards Ms. Johnson, including
4 kicking and biting her.

5 17. Ms. Johnson was eventually able to remove Ms. Velasquez from her apartment
6 by throwing Ms. Velasquez's belongings out of the apartment. After Ms. Valesquez went
7 outside to get the belongings, Ms. Johnson, closed and locked the door.

8 18. Ms. Velasquez then continuously pounded on Ms. Johnson's door and called her
9 on the phone.

10 19. Eventually, Ms. Johnson's downstairs neighbor, Karin Barbaria called the El
11 Dorado County Sheriff's Department.

12 20. Ms. Velasquez left as the deputies arrived.

13 21. The Department's deputies spoke to Ms. Johnson and obtained her statement
14 about Ms. Velasquez's abusive actions. Ms. Johnson provided them with Ms. Velasquez's
15 contact information.

16 22. The deputies were able to contact Ms. Velasquez and obtain her statement.

17 23. Later on October 4, 2020, the deputies returned to Ms. Johnson's apartment and
18 arrested her for domestic violence against Ms. Velasquez.

19 24. On the evening of October 4, 2020, Ms. Johnson was booked into the El Dorado
20 County Jail for felony domestic violence charges.

21 25. After being booked into the El Dorado County Jail, Ms. Johnson was ordered to
22 strip naked in front of multiple male El Dorado County Sheriff Deputies ("Deputies"). She
23 asked for a female Deputy to be present because she was not comfortable undressing in front of
24 men. The Deputies denied her request.

25 26. Ms. Johnson then began to undress slowly, as she was not comfortable
26 undressing in front of a group of men. The observing deputies ordered her to "hurry up".

27 27. The Deputies then yelled that she was taking too long and, without warning,
28 threw her down face first onto a cement floor that was covered in various assorted bodily fluids

1 and multiple large piles of human feces.

2 28. Three male deputies using an illegal hold, smeared Ms. Johnson's face into the
3 ground, one kneeling on her neck and face as they cut off her clothes and pulled her pants and
4 underwear off of her body. As a result of the aggressive takedown Ms. Johnson had blood
5 coming from her face due to a front left cracked tooth.

6 29. After the deputies cut Ms. Johnson's clothes off, they left her in the small cement
7 room completely naked for over 15 hours. She was not allowed to call anyone and was told that
8 if she needed to use the restroom, that she could just go on herself and ask to be hosed off.

9 30. Due to Ms. Johnson's neighbor calling her parents, she was bailed out of jail and
10 eventually released.

11 31. Ms. Johnson was transported to the Emergency Room immediately after being
12 released from jail. The incident has caused her both serious physical and psychological damage.

13 32. At no time did Ms. Johnson resist or obstruct Doe Deputies.

14 33. At no time did Ms. Johnson physically assault or verbally threaten Doe Deputies.

15 34. As a legal result of Doe Deputies' actions, Ms. Johnson sustained serious injury
16 and damages to her mind and body.

17 35. Ms. Johnson never consented to this use of force against her. Moreover, she had
18 broken no laws or other serious crimes which would have justified this use of severe force
19 against her once she was in custody. She did not pose a reasonable threat of death or serious
20 bodily injury to Doe Deputies, or any other person, so as to justify this use of severe force
21 against her.

22 36. As a legal result of each of the Defendants' conduct as described here, Ms.
23 Johnson has suffered severe physical and emotional pain and injury to her mind and body, all in
24 an amount to be determined according to proof at trial.

25 37. As a further legal result of each of Defendants' conduct, Ms. Johnson has been
26 required to employ and did employ physicians, surgeons, and psychologists to examine, treat
27 and care for her. She has incurred additional medical costs for past hospital bills and other
28 incidental medical expenses, and expects to incur similar medical expenses in the future, all in

1 an amount to be determined according to proof at trial.

2 38. As a further legal result of each of the above-mentioned Defendants' conduct,
3 Ms. Johnson has lost wages in the past in an amount to be determined according to proof at trial.

4 **FIRST CLAIM FOR RELIEF**

5 **Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. §1983)**

6 **(Against Defendants Doe Deputies)**

7 39. Plaintiff repeats and realleges each and every allegation in this Complaint with
8 the same force and effect as if fully set forth herein.

9 40. Doe Deputies caused Plaintiff to be detained and they attempted to arrest Plaintiff
10 in violation of her right to be secure in her person against unreasonable searches and seizures as
11 guaranteed to Plaintiff under the Fourth Amendment to the United States Constitution and
12 applied to state actors by the Fourteenth Amendment.

13 41. Doe Deputies are liable for Plaintiff's injuries because they were integral
14 participants to the violations of Plaintiff's rights.

15 42. Plaintiff was detained without reasonable suspicion by Doe Deputies, and they
16 arrested Plaintiff without probable cause.

17 43. The conduct of Doe Deputies was willful, wanton, malicious, and done with
18 reckless disregard for the rights and safety of Plaintiff and therefore warrants the imposition of
19 exemplary and punitive damages as to Doe Deputies.

20 44. Accordingly, Defendants Doe Deputies, are each liable to Plaintiff for
21 compensatory and punitive damages, under 42 U.S.C. §1983.

22 45. Plaintiff also seeks attorney fees under this claim.

23 **SECOND CLAIM FOR RELIEF**

24 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. §1983)**

25 **(Against Defendants Doe Deputies)**

26 46. Plaintiff repeats and realleges each and every allegation in this Complaint with
27 the same force and effect as if fully set forth herein.

28 47. The unjustified battery of Plaintiff by Doe Deputies deprived Plaintiff of her right

1 to be secure in her person against unreasonable searches and seizures as guaranteed to Plaintiff
2 under the Fourth Amendment to the United States Constitution and applied to state actors by the
3 Fourteenth Amendment.

4 48. The unreasonable use of force by Doe Deputies deprived Plaintiff of her right to
5 be secure in her person against unreasonable searches and seizures as guaranteed to Plaintiff
6 under the Fourth Amendment to the United States Constitution and applied to state actors by the
7 Fourteenth Amendment.

8 49. As a result, Plaintiff suffered extreme mental and physical pain and suffering, loss
9 of enjoyment of life and of earning capacity.

10 50. Doe Deputies are liable for Plaintiff's injuries because they were integral
11 participants in the excessive force.

12 51. The use of force was excessive because this was not a felonious or violent
13 situation, the involved Deputies did not give verbal warnings that force would be used despite it
14 being feasible to do so, and there were other reasonable options available other than striking
15 Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off
16 her body.

17 52. This use of force was excessive and unreasonable under the circumstances,
18 especially since Plaintiff was unarmed and did not pose a physical threat to Doe Deputies when
19 Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore
20 her clothes off her body. Defendants' actions thus deprived Plaintiff of her right to be free from
21 unreasonable searches and seizures under the Fourth Amendment and applied to state actors by
22 the Fourteenth Amendment.

23 53. The conduct of Doe Deputies was willful, wanton, malicious, and done with
24 reckless disregard for the rights and safety of Plaintiff and therefore warrants the imposition of
25 exemplary and punitive damages.

26 54. Plaintiff also seeks attorney fees under this claim.

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THIRD CLAIM FOR RELIEF

Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)

(Against Defendants Doe Deputies)

55. Plaintiff repeats and realleges each and every allegation in this Complaint with the same force and effect as if fully set forth herein.

56. The denial of medical care by Doe Deputies deprived Plaintiff of her right to be secure in her person against unreasonable searches and seizures as guaranteed to Plaintiff under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

57. As a result, Plaintiff suffered extreme mental and physical pain and suffering.

58. Doe Deputies knew that failure to provide timely medical treatment to Plaintiff could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing Plaintiff great bodily harm.

59. After striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off her body, Doe Deputies were aware that Plaintiff needed medical attention.

60. Doe Deputies did not timely summon or provide timely medical attention for Plaintiff, who had obvious serious injuries, and Doe Deputies also did not allow and prevented responding medical personnel on-scene to timely render medical aid/assistance to Plaintiff.

61. The conduct of Doe Deputies was willful, wanton, malicious, and done with reckless disregard for the rights and safety of Plaintiff and therefore warrants the imposition of exemplary and punitive damages.

62. Plaintiff seeks attorney's fees under this claim.

FOURTH CLAIM FOR RELIEF

Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(Against Defendants County and Supervisory Does)

63. Plaintiff repeats and realleges each and every allegation in this Complaint with the same force and effect as if fully set forth herein.

64. On and for some time prior to October 4, 2020 (and continuing to the present date) Supervisory Does, deprived Plaintiff of the rights and liberties secured to her by the Fourth and Fourteenth Amendment to the United States Constitution, in that said defendants and their supervising and managerial employees, agents, and representatives, acting with gross negligence and with reckless and deliberate indifference to the rights and liberties of the public in general, and of Plaintiff, and of persons in her class, situation and comparable position in particular, knowingly maintained, enforced and applied an official recognized custom, policy, and practice of:

(a) Employing and retaining as Sheriff Deputies and other personnel, including Doe Deputies whom Supervisory Does, at all times material herein knew or reasonably should have known had dangerous propensities for abusing their authority and for mistreating citizens by failing to follow written El Dorado County Sheriff Department policies;

(b) Of inadequately supervising, training, controlling, assigning, and disciplining El Dorado County Sheriff Deputies, and other personnel, who County knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;

(c) By failing to adequately train Deputies, including Doe Deputies, and failing to institute appropriate policies, regarding the use of excessive force;

(d) By having and maintaining an unconstitutional policy, custom, and practice of using excessive force, which also is demonstrated by inadequate training regarding these subjects. The policies, customs, and practices of Supervisory Does and County, were done with a deliberate indifference to individuals' safety and rights; and

(e) Of totally inadequately training Doe Deputies, with respect to detaining, citing, and apprehending unarmed individuals.

65. By reason of the aforementioned policies and practices of Defendants Supervisory Does, Plaintiff was severely injured and subjected to pain and suffering.

66. Supervisory Does, together with various other officials, whether named or unnamed, had either actual or constructive knowledge of the deficient policies, practices and

1 customs alleged in the paragraphs above. Despite having knowledge as stated above these
2 defendants condoned, tolerated and through actions and inactions thereby ratified such policies.
3 Said defendants also acted with deliberate indifference to the foreseeable effects and
4 consequences of these policies with respect to the constitutional rights of Plaintiff and other
5 individuals similarly situated.

6 67. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct and
7 other wrongful acts, Supervisory Does acted with an intentional, reckless, and callous disregard
8 for Plaintiff's constitutional rights. Their actions were willful, wanton, oppressive, malicious,
9 fraudulent, and extremely offensive and unconscionable to any person of normal sensibilities.

10 68. Furthermore, the policies, practices, and customs implemented and maintained
11 and still tolerated by Supervisory Does, were affirmatively linked to and were a significantly
12 influential force behind the injuries of Plaintiff.

13 69. By reason of the aforementioned acts and omissions of Supervisory Does,
14 Plaintiff was caused to incur medical expenses.

15 70. By reason of the aforementioned acts and omissions of Defendants Supervisory
16 Does, Plaintiff has suffered emotional, mental, and physical pain.

17 71. Accordingly, Supervisory Does, each are liable to Plaintiff for compensatory
18 damages under 42 U.S.C. § 1983.

19 72. Plaintiff seeks attorney fees under this claim.

20 **FIFTH CLAIM FOR RELIEF**

21 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

22 (Against Defendants County and Supervisory Does)

23 73. Plaintiff repeats and realleges each and every allegation of this Complaint with the
24 same force and effect as if fully set forth herein.

25 74. While acting under the color of state law and within the course and scope of their
26 employment as Sheriff Deputies for the El Dorado County Sheriff Department, Doe Deputies'
27 striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her
28 clothes off her body, deprived Plaintiff, who was unarmed, of her rights and liberties secured to

1 her by the Fourth and Fourteenth Amendments, including her right to be free from unreasonable
2 search and seizure.

3 75. The training policies of Defendant, by and through the El Dorado County Sheriff's
4 Department, were not adequate to train its Sheriff Deputies, including but not limited to, Doe
5 Deputies, with regards to using force. As a result, El Dorado County Sheriff Deputies, including
6 Doe Deputies, are not able to handle the usual and recurring situations with which they must deal,
7 including observing female inmates during strip searches and clothing changes. These
8 inadequate training policies existed prior to the date of this incident and continue to this day.

9 76. The Defendant, by and through the El Dorado County Sheriff's Department, was
10 deliberately indifferent to the known or obvious consequences of its failure to train its Sheriff
11 Deputies, including Doe Deputies, adequately with regards to using force. This inadequate
12 training includes failing to teach Deputies to give a verbal warning when feasible prior to using
13 physical force, calmly explaining the law to citizens, and only using physical force when absolutely
14 necessary.

15 77. County was aware that failure to implement some sort of training with regards to
16 their Deputies' observations of female inmates during strip searches and clothing changes would
17 result in continuing to have numerous unreasonable officer involved assaults of unarmed
18 individuals annually.

19 78. The failure of Defendant, by and through the El Dorado County Sheriff's
20 Department, to provide adequate training with regards issuing citations and using force, caused
21 the deprivation of Plaintiff's rights by Doe Deputies. In other words, the Defendant's failure to
22 train is so closely related to the deprivation of Plaintiff's rights as to be the moving force that
23 caused the ultimate injury.

24 79. By failing to provide adequate training to El Dorado County's Sheriff Deputies,
25 including Doe Deputies, Supervisory Does acted with an intentional, reckless, and callous
26 disregard for Plaintiff's constitutional rights. Supervisory Does, each of their actions were
27 willful, wanton, oppressive, malicious, fraudulent, and extremely offensive and unconscionable
28 to any person of normal sensibilities.

80. By reason of the aforementioned acts and omissions of Supervisory Does, Plaintiff was caused to incur medical expenses and loss of income.

81. Plaintiff also seeks statutory attorney fees under this claim.

SIXTH CLAIM FOR RELIEF

False Arrest/False Imprisonment

(Cal. Govt. Code § 820 and California Common Law)

(Against County and Doe Deputies)

82. Plaintiff repeats and realleges each and every allegation of this Complaint with the same force and effect as if fully set forth herein.

83. Doe Deputies, while working as Sheriff Deputies for County, and acting within the course and scope of their duties, intentionally deprived Plaintiff of her freedom of movement by use of force, threats of force and unreasonable duress when Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body. Doe Deputies also detained Plaintiff without reasonable suspicion and arrested Plaintiff without probable cause.

84. Plaintiff did not knowingly or voluntarily consent to her detention or arrest. On information and belief, Plaintiff did not feel that she was free to leave as she lay on the ground. By striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off her body, Doe Deputies deprived Plaintiff, who was unarmed, of her liberty without justification. Further, Doe Deputies did not have probable cause to believe that Plaintiff, specifically, had committed any crime.

85. The conduct against Plaintiff by Doe Deputies, by striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off her body, was a substantial factor in causing the harm of Plaintiff.

86. In committing the acts described herein, Doe Deputies subjected Plaintiff to unreasonable harm to her person, in violation of California Civil Code, Section 43.

87. Doe Deputies' use of force against Plaintiff was unreasonable given the facts. Therefore, they are not immune from liability under Government Code Section 820.2.

1 88. Because Doe Deputies are not immune from liability under Government Code
2 Section 820.2, County is not immune from liability under Government Code Section 815.2(b)
3 and are vicariously liable under Government Code Section 815.2(a)

4 89. The conduct of Doe Deputies was malicious, wanton, oppressive, and
5 accomplished with a conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award
6 of exemplary and punitive damages.

7 **SEVENTH CLAIM FOR RELIEF**

8 **Battery (Cal. Govt. Code § 820 and California Common Law)**

9 **(Against All Defendants)**

10 90. Plaintiff repeats and realleges each and every allegation in this Complaint with the
11 same force and effect as if fully set forth herein.

12 91. Doe Deputies, while working as Sheriff Deputies for the Defendant, by and
13 through the El Dorado County Sheriff's Department, and acting within the course and scope of
14 their duties, intentionally struck Plaintiff throughout her body, threw her to the ground face first,
15 and tore her clothes off her body. Further, Plaintiff was unarmed at the time of the assault with
16 nothing in her hands. The use of force was also unreasonable because there were clearly less
17 severe options available.

18 92. As a result of the actions of Doe Deputies, Plaintiff suffered severe mental and
19 physical pain and suffering, and lost wages. Doe Deputies had no legal justification for using
20 force against Plaintiff and Doe Deputies' use of force while carrying out their officer duties was
21 an unreasonable use of force, especially since Plaintiff was unarmed, not resisting, and had not
22 committed any crime when Deputies struck Plaintiff throughout her body, threw her to the ground
23 face first, and tore her clothes off her body. As a direct and proximate result of Defendants'
24 conduct as alleged above, Plaintiff suffered extreme and severe mental anguish and pain and
25 have been injured in mind and body.

26 93. In committing the acts described herein, Doe Deputies subjected Plaintiff to
27 unreasonable harm to her person, in violation of California Civil Code, Section 43.

28 94. Doe Deputies' use of force against Plaintiff was unreasonable given the facts.

1 Therefore, they are not immune from liability under Government Code Section 820.2.

2 95. Because Doe Deputies are not immune from liability under Government Coe
3 Section 820.2, County is not immune from liability under Government Code Section 815.2(b)
4 and is vicariously liable under Government Code Section 815.2(a)

5 96. The conduct of Doe Deputies was malicious, wanton, oppressive, and
6 accomplished with a conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award
7 of exemplary and punitive damages.

8 **EIGHTH CAUSE OF ACTION**

9 **Civil Assault**

10 **(Gov. Code § 820 and California Common Law)**

11 **(Against All Defendants)**

12 97. Plaintiff incorporates all foregoing paragraphs of this Complaint as though fully
13 set forth herein.

14 98. Under supervision of County, Doe Deputies struck Plaintiff throughout her
15 body, threw her to the ground face first, and tore her clothes off her body with the intent to
16 cause Plaintiff to suffer apprehension of an immediate harmful contact.

17 99. Plaintiff suffered apprehension of an immediate harmful contact.

18 100. Both prior to and during the time in which Doe Deputies struck Plaintiff
19 throughout her body, threw her to the ground face first, and tore her clothes off her body,
20 Plaintiff was not armed with any kind of weapon, and posed no reasonable threat of violence to
21 Doe Deputies, nor to any other individual.

22 101. Both prior to and during the time in which she was struck throughout her body,
23 thrown to the ground face first, and had her clothes torn off her body, Plaintiff had not
24 committed any crime for which physical force by Doe Deputies was necessary.

25 102. Both prior to and during the time in which she was struck throughout her body,
26 thrown to the ground face first, and had her clothes torn off her body, Plaintiff made no
27 aggressive movements, no furtive gestures, and no physical movements which would suggest
28 to a reasonable Deputy that she was a threat of any kind or had the will, or the ability to inflict

substantial bodily harm against an individual.

103. Both prior to and during the time in which she was struck throughout her body, thrown to the ground face first, and had her clothes torn off her body, Doe Deputies did not provide a female deputy to observe Plaintiff undress.

104. Both prior to and during the time in which Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body, Doe Deputies were not faced with any circumstances which would have led a reasonable Deputy to believe that Plaintiff posed a risk of harm, death, or serious bodily injury to any person or to Plaintiff herself or that Plaintiff was not removing her clothing as instructed.

105. Both prior to and during the time in which Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body, Plaintiff did not consent to the use of force used upon her.

106. In committing the acts described herein, Doe Deputies subjected Plaintiff to unreasonable harm to her person, in violation of California Civil Code section 43.

107. Doe Deputies' striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off her body was unreasonable given the fact that Plaintiff did not pose a danger to anyone or herself at the time, therefore Doe Deputies are not immune from liability under Government Code section 820.2.

108. Because Doe Deputies are not immune from liability under Government Code section 820.2, County is not immune from liability under Government Code section 815.2, subdivision (b) and is vicariously liable under Government Code section 815.2, subdivision (a).

109. As a proximate result of the above-mentioned conduct of Defendants, and each of them, Plaintiff has suffered and continues to suffer severe and permanent injury to her mind and body.

NINTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code § 820 and California Common Law)

(Against all Defendants)

110. Plaintiff repeats and realleges each and every allegation in this Complaint with

1 the same force and effect as if fully set forth herein.

2 111. The actions and inactions of the Defendants were negligent, including but not
3 limited to:

4 (a) the failure to properly and adequately train employees, including Doe
5 Deputies, with regards to the use of force;

6 (b) the failure to properly and adequately assess the need to detain, arrest, and
7 use force, against Plaintiff;

8 (c) the negligent tactics and handling of the situation with Plaintiff, including
9 negligence;

10 (d) the negligent detention, arrest, and use of force, against Plaintiff;

11 (e) the failure to provide and or summon prompt medical care to Plaintiff;

12 (f) striking Plaintiff throughout her body, throwing her to the ground face first,
13 and tearing her clothes off her body;

14 (g) failure to train with regards to observing female inmates during strip
15 searches and clothing changes;

16 (h) the failure to give a verbal warning or any kind of command prior to
17 detaining and tackling; and

18 (i) the failure to properly train and supervise employees, both professional and
19 non-professional, including Doe Deputies.

20 112. As a direct and proximate result of Defendants' conduct as alleged above, and
21 other undiscovered negligent conduct, Plaintiff was caused to suffer severe pain and suffering
22 and lost wages. Also as a direct and proximate result of Defendants' conduct as alleged above,
23 Plaintiff suffered extreme and severe mental anguish and pain and has been injured in mind and
24 body.

25 113. County is vicariously liable for the wrongful acts of Does 1-20 pursuant to section
26 815.2(a) of the California Government Code, which provides that a public entity is liable for the
27 injuries caused by its employees within the scope of the employment if the employee's act would
28 subject her or her to liability.

TENTH CLAIM FOR RELIEF

Intentional Infliction of Emotional Distress

(Against All Defendants)

114. Plaintiff restates and incorporates by reference the foregoing paragraphs of this complaint as if set forth in full at this point. All claims asserted herein against County and Supervisory Does are presented pursuant to their vicarious liability for acts and omissions of municipal employees undertaken in the course and scope of their employment.

115. Defendant County and Supervisory Does are entities that employed Doe Deputies.

116. On October 4, 2020, under the supervision of County and Supervisory Does, Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body. Further, Doe Deputies caused Plaintiff to fear further harm, and caused Plaintiff to suffer emotional damage when Doe Deputies participated in the conduct described in the foregoing paragraphs.

117. Both prior to and during the time in which Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body, Plaintiff was not armed with any kind of weapon, and posed no reasonable threat of violence to Doe Deputies or any other Deputies, nor to any other individual.

118. Both prior to and during the time in which Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body, Plaintiff made no aggressive movements, no furtive gestures, and no physical movements which would suggest to a reasonable officer that Plaintiff was armed with any kind of weapon, or had the will, or the ability to inflict substantial bodily harm against an individual.

119. Both prior to and during the time in which Doe Deputies struck Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her body, Doe Deputies were not faced with any circumstances which would have led a reasonable officer to believe that Plaintiff posed a risk of harm, death, or serious bodily injury to any person or Plaintiff herself.

120. Both prior to and during the time in which Defendant Doe Deputies struck

1 Plaintiff throughout her body, threw her to the ground face first, and tore her clothes off her
2 body, Plaintiff did not consent to the use of force used upon her.

3 121. In committing the acts described herein, Doe Deputies subjected Plaintiff to
4 unreasonable harm to her person, in violation of California Civil Code, Section 43.

5 122. Defendant Doe Deputies striking Plaintiff throughout her body, throwing her to
6 the ground face first, and tearing her clothes off her body was unreasonable given the facts.
7 Therefore, Doe Deputies are not immune from liability under Government Code Section 820.2.

8 123. Because Doe Deputies are not immune from liability under Government Code
9 Section 820.2, County is not immune from liability under Government Code Section 815.2(b)
10 and is vicariously liable under Government Code Section 815.2(a).

11 124. As a proximate result of the above-mentioned conduct of Defendants, and each
12 of them, Plaintiff has suffered and continues to suffer severe and permanent injury to her mind
13 and body.

14 125. Additionally, Plaintiff was required to employ and did employ physicians to
15 examine, treat, and care for her, and incurred additional medical expenses for emergency
16 treatment, and other incidental medical expenses in an amount according to proof at trial.

17 126. As a further proximate result of the above-mentioned conduct of Defendants and
18 each of them, Plaintiff has been required to employ and did employ mental health therapists to
19 examine, treat, and care for her, and incurred additional expenses for mental health therapy, and
20 other incidental expenses in an amount according to proof at trial.

21 **ELEVENTH CAUSE OF ACTION**

22 **Gender Violence**

23 **Violation of California Civil Code Section 52.4**

24 **(Against All Defendants)**

25 127. Plaintiff incorporates herein by reference, as though set forth in full, all
26 preceding Paragraphs of this complaint.

27 128. County adopted, approved, ratified, and aided and abetted Doe Deputies' gender
28 violence on the Plaintiff, which constituted criminal offenses under California law, including

1 Penal Code 245, assault, which includes the use, attempted use, or threatened use of force
2 against a person. These crimes, at least in part, were based on the gender of Plaintiff.

3 129. Defendants caused a physical intrusion or a physical invasion to Plaintiff's
4 person without consent, in that Plaintiff was struck throughout her body, thrown to the ground
5 face first, and had her clothes torn off her body because Deputies felt she was not undressing
6 fast enough after her request for a female deputy was denied.

7 130. The acts of violence as alleged above were directed at Plaintiff because she was
8 a woman. These acts were intended to humiliate and degrade the Plaintiff because she was a
9 woman. They robbed her of her dignity.

10 131. Defendants' aforementioned conduct was accomplished intentionally and/or
11 recklessly with conscious disregard for Plaintiff's health, safety, privacy, freedom, and human
12 dignity. The aforementioned conduct was so outrageous in character and so extreme in degree
13 as to go beyond all possible bounds of decency, and should be regarded as despicable,
14 atrocious, and utterly intolerable in a civilized community. Plaintiff therefore requests an
15 award of punitive damages.

16 **TWELFTH CLAIM FOR RELIEF**

17 **Violation of Bane Act (Cal. Civil Code § 52.1)**

18 **(Against County and Doe Deputies)**

19 132. Plaintiff repeats and realleges each and every allegation in this Complaint with
20 the same force and effect as if fully set forth herein.

21 133. California Civil Code, Section 52.1 (the Bane Act), prohibits any person from
22 interfering with another person's exercise or enjoyment of her constitutional rights by threats,
23 intimidation, or coercion (or by the use of unconstitutionally excessive force).

24 134. Conduct that violates the Fourth Amendment violates the California Bane Act.

25 135. Doe Deputies' use of force was excessive and unreasonable under the
26 circumstances, especially since Plaintiff did not threaten them in any way, did not become
27 physical with them, and was not committing any illegal offense. Further, Doe Deputies did not
28 properly allow Plaintiff to undress, despite Plaintiff asking for a female deputy. Defendants'

1 actions thus deprived Plaintiff of her right to be free from unreasonable searches and seizures
2 under the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

3 136. Plaintiff's clothing was torn from her body without probable cause and without
4 the presence of a female Deputy. Defendants' actions thus deprived Plaintiff of her right to be
5 free from unreasonable searches and seizures under the Fourth Amendment and applied to state
6 actors by the Fourteenth Amendment.

7 137. Doe Deputies intentionally violated Plaintiff's rights under Section 1983 by
8 detaining Plaintiff without reasonable suspicion, by attempting to arrest Plaintiff without
9 probable cause, and by using excessive force against Plaintiff, including but not limited to,
10 striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her
11 clothes off her body. Further, these acts by Doe Deputies demonstrate that they had a reckless
12 disregard for Plaintiff's constitutional rights.

13 138. At the time of the assault, Plaintiff did not pose an immediate threat of death or
14 serious bodily injury and Plaintiff never verbally threatened anyone prior to the assault. There is
15 direct and circumstantial evidence that Doe Deputies intentionally violated Plaintiff's rights
16 under Section 1983 by unlawfully detaining her, by attempting to unlawfully arrest her and
17 striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her
18 clothes off her body, even though Plaintiff did not resist Doe Deputies.

19 139. Doe Deputies, while working as Sheriff Deputies for the El Dorado County
20 Sheriff's Department, and acting within the course and scope of their duties, interfered with or
21 attempted to interfere with the rights of Plaintiff to be free from unreasonable searches and
22 seizures, to equal protection of the laws, to access to the courts, and to be free from state actions
23 that shock the conscience, by threatening or committing acts involving violence, threats,
24 coercion, or intimidation.

25 140. Plaintiff was caused to suffer extreme mental and physical pain and suffering and
26 a loss of earning capacity.

27 141. The conduct of Doe Deputies was a substantial factor in causing the harms,
28 losses, injuries, and damages of Plaintiff.

142. County is vicariously liable for the wrongful acts of Doe Deputies pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject her to liability.

143. The conduct of Doe Deputies was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of Plaintiff entitling Plaintiff to an award of exemplary and punitive damages.

144. Plaintiff also seeks attorney fees under this claim.

THIRTEENTH CLAIM FOR RELIEF

Violation of Unruh Civil Rights Act

Civil Code sections 51 & 52

(Against All Defendants)

145. Plaintiffs re-allege and incorporates herein by reference each and every allegation and statement contained in the prior paragraphs, as though fully set forth herein.

146. Defendants actively discriminated, or at least aided and/or incited such discrimination, against Plaintiff by arresting her for the same offenses for which she accused her white attacker, while not arresting the perpetrator, then striking Plaintiff throughout her body, throwing her to the ground face first, and tearing her clothes off her body.

147. Defendants denied Plaintiff full and equal application of her constitutional rights because she was an African-American lesbian woman, as alleged herein.

148. Plaintiff has experienced severe physical and emotional pain as a result of Defendants' conduct, as alleged herein.

149. Defendants' conduct was a substantial factor in causing Plaintiff's injuries, as alleged herein.

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FOURTEENTH CAUSE OF ACTION

Violation of Ralph Civil Rights Act

Civil Code sections 51.7 & 52

(Against All Defendants)

150. Plaintiff re-alleges and incorporates herein by reference each and every allegation and statement contained in the prior paragraphs, as though fully set forth herein.

151. Defendants committed acts of violence and/or threatened Plaintiff with violence and/or violent intimidation, or at least aided and/or incited such conduct, as alleged herein.

152. Defendants' conduct was motivated by Plaintiff's race, gender, and sexual orientation, as Plaintiff is African-American, female, and lesbian, as alleged herein.

153. Plaintiff has experienced severe physical and emotional pain as a result of Defendants' conduct as alleged herein.

154. Defendants' conduct was a substantial factor in causing Plaintiff's injuries as alleged herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ashley Johnson requests entry of judgment in her favor and against Defendants County of El Dorado and DOES 1-20, inclusive, as follows:

A. For compensatory damages under federal and state law, including physical injuries, pain and suffering, past and future medical expenses, past and future financial loss, and mental and emotional distress in an amount to be proven at trial;

B. For punitive damages against the individual defendants in an amount to be proven at trial;

C. For interest;

D. For reasonable costs of this suit and attorneys' fees;

E. For treble damages under Civil Code Section 52.1.17; and

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1 F. For such further other relief as the Court may deem just, proper, and appropriate.

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4 DATED: August 25, 2021

Respectfully submitted,

5
6 By /S/ Justin L. Ward
7 JUSTIN WARD, ESQ.
8 Attorney for Plaintiff
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12 **DEMAND FOR JURY TRIAL**

13 Plaintiff hereby demands a trial by jury on all issues in this matter.

14
15 DATED: August 25, 2021

Respectfully submitted,

16
17 By /S/ Justin L. Ward
18 JUSTIN WARD, ESQ.
19 Attorney for Plaintiff
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